

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
Plaintiff,

v.

MARTIN ALFREDO LEIVA-LEIVA,  
Defendant.

Case No.: 1: 22-cr-00232-BLW-BAM

**ORDER EXTENDING DEADLINE  
FOR CHALLENGES TO THE  
DEATH PENALTY**

Before the Court is Defendant Martin Leiva-Leiva's Motion to Extend Deadline for Challenges to the Death Penalty. The deadline is currently November 10, 2025, and he asks the Court to vacate that deadline and reset it sometime after the upcoming motion hearings on December 12, 2025. The Court finds good cause for an extension, but not the indefinite extension requested by Mr. Leiva. As explained further below, the Court will extend the deadline to January 5, 2026.

Mr. Leiva offers two related justifications for a deadline extension. Most broadly, he complains that the original motion deadline was only 89 days after the Government filed its death notice, which came after a long *de facto* moratorium on federal capital prosecutions. "Three months is simply insufficient time," he says, for preparing challenges to the death penalty. Dkt. 438 at 2. But this matter has been treated as a capital case since its inception more than three years ago. From

the start, Mr. Leiva has been represented by two attorneys, including learned counsel. By June 2024, the Government had issued no-seek orders for all defendants except Mr. Leiva—a sign that the death penalty remained on the table even during the Biden Administration—and it reaffirmed that decision following the review of no-seek orders initiated by the current Attorney General. *See* Dkt. 33, 165, 166, 336. Under these circumstances, three months is hardly an unreasonable turn-around time for a motion challenging the death penalty.

Mr. Leiva’s second justification is more persuasive. On October 5, 2025, he filed a Motion for Informational Outline of Certain Aggravating Factors, and he argues that this information is central to his potential as-applied challenges to the death penalty. Dkt. 416. The Government submitted an Informational Outline on November 3, 2025, but Mr. Leiva contends that it contains insufficient detail. Apparently, the Government is continuing to work to provide some of the requested material, and Mr. Leiva anticipates further litigation related to penalty-phase discovery. Dkt. 438 at 2-4. Given the unique stakes of a capital case—“death is different,” as the Supreme Court has long stressed, *Gregg v. Georgia*, 428 U.S. 153, 188 (1976)—the need for further development of these discovery issues creates good cause for extending the deadline for challenges to the death penalty.

An indefinite extension, however, is not warranted. This Court has repeatedly emphasized its intent to move this case expeditiously, and there is much

to gain from the prompt resolution of challenges to the death penalty. Therefore, the Court will reset the deadline to January 5, 2026, to allow time to address conflicts related to the Informational Outline and penalty-phase discovery. To ensure this deadline is met, the parties are directed to submit a joint status report updating the Court on the above discovery disputes by November 12, 2025. The Court will then schedule a status conference and/or order expedited briefing as necessary.

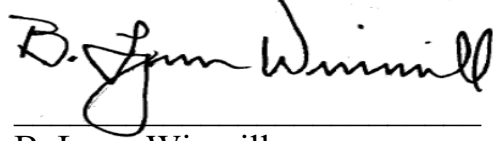
On a final related note, the Court has reviewed the Government's proposed Third Amended Case Management Order. At this time, the Court declines to adopt the Government's proposed changes due to the need to resolve the severance issue. The Court intends to issue a Third Amendment Case Management Order shortly after the motion hearings on December 12, 2025.

THEREFORE, IT IS HEREBY ORDERED:

1. The parties shall submit a joint status report updating the Court on the status of penalty-phase discovery and any related disputes by **November 12, 2025**.
2. Defendant's Challenges to the Death Penalty are due by **January 5, 2026**.
3. The Government's Response to Defendant's Challenges is due by **February 2, 2026**.

4. Defendant's Reply is due by **February 16, 2026**.

DATED: November 5, 2025

A handwritten signature in black ink, appearing to read "B. Lynn Winmill", written over a horizontal line.

B. Lynn Winmill  
U.S. District Court Judge